



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,414	06/08/2001	Bryan Buus	XORI 002/00US	7709

22862 7590 06/08/2005

GLENN PATENT GROUP  
3475 EDISON WAY, SUITE L  
MENLO PARK, CA 94025

EXAMINER
----------

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/877,414

Applicant(s)

BUUS ET AL.

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/06/02, 02/04/02</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being unpatentable over Horowitz (U.S. 6,349,290).

Horowitz discloses claims:

1. A system for monitoring business performance indicators in a networked environment, comprising:  
a data source having a predefined format (col.3, line 57-col.4, line 4; col.4, lines 42-58);  
an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data ("token data");  
a reaper communicatively coupled to the agent and configured to retrieve the modified data from the agent (col.4, line 42-col.5, line 20);  
a data repository communicatively coupled to the reaper and configured to store the modified data (col.5, lines 1-53);

Art Unit: 2143

an alert detector communicatively coupled to the data repository and configured to compare the modified data with a first configuration parameter ("Advice 3"); and a dashboard controller communicatively coupled to the data repository and configured to display the modified data in a format defined by a second configuration parameter (fig.25, S51-S55; fig.26, S61-S65).

2. The system of claim 1, further comprising an agent polling configuration file communicatively coupled to the reaper and configured to store a data polling schedule and provide the data polling schedule to the reaper (Col.10, lines 27-52, col.11, lines 27-50, col.13, lines 13-44).

3. The system of claim 1, further comprising an alert configuration file communicatively coupled to the alert detector and adapted to store the first configuration parameter ("Advice 3").

4. The system of claim 1, further comprising a visual configuration file communicatively coupled to the dashboard controller and adapted to store the second configuration parameter (fig.26, S64).

5. The system of claim 1, wherein the dashboard controller comprises an interface for translating the modified data into a user-readable format (col.39, lines 33-65).

6. The system of claim 5, wherein the dashboard controller further comprises a memory cache (col.26, lines 34-43).

7. The system of claim 1, wherein the dashboard controller comprises a plurality of interfaces for translating the modified data into a plurality of user-readable formats (see interfaces of advice engine 88, behavior domain-92, business domain-90).
8. The system of claim 1, further comprising a display device communicatively coupled to the dashboard controller and adapted to present the modified data in a user-readable format (fig.9, 64, fig.10).
9. The system of claim 8, wherein the user-readable format is Hyper-Text Markup Language ("The personalization property 60 for an embodiment of the present invention includes, for example, customer language preference, menu selection or hypertext markup language (HTML) pages mold. For example, if the customer 2 always checks the customer's equity portfolio first, it is reasonable to present to the customer that information automatically upon authentication. The same behavioral information is available to a dynamic HTML generator, therefore giving seamless interface between different touch-points with the bank 4.").
10. The system of claim 8, wherein the user-readable format is Wireless Markup Language ("It is an additional feature and advantage of the present invention to provide an automated customization and personalization system and method for presentation of product and service messages which supports any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.").
11. The system of claim 8, wherein the display device is a monitor (Title ).
12. The system of claim 8, wherein the display device is a cellular phone ("any major interface access, such as Internet, voice calls, call centers, automated teller machines

Art Unit: 2143

(ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.”).

13. The system of claim 8, wherein the display device is a pager (“any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.”).

14. The system of claim 1, further comprising a VoiceXML interface communicatively coupled with the dashboard controller (“any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.”; “The personalization property 60 for an embodiment of the present invention includes, for example, customer language preference, menu selection or hypertext markup language (HTML) pages mold. For example, if the customer 2 always checks the customer's equity portfolio first, it is reasonable to present to the customer that information automatically upon authentication. The same behavioral information is available to a dynamic HTML generator, therefore giving seamless interface between different touch-points with the bank 4.”).

15. The system of claim 1, wherein the data source is a proprietary data source (col.10, lines 27-42).

16. The system of claim 1, wherein the data source is a legacy data source (col.10, lines 27-42).

17. The system of claim 1, wherein the data source is a third-party application (fig.13, third party data sources).
18. The system of claim 1, wherein the data source resides on a local area network (116).
19. The system of claim 1, wherein the data source resides on a wide area network (Internet).
20. The system of claim 1, wherein the data source is accessible through the Internet (Internet).
21. The system of claim 1, wherein the reaper is in two way communication with the agent (col.4, line 42-col.5, line 20).
22. The system of claim 1, wherein the alert detector is adapted to send a notification based on the comparison between the modified data and the first configuration parameter (see "Advice 3").
23. The system of claim 22, wherein the notification is sent via an email message ("any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.").
24. The system of claim 22, wherein the notification is sent via a pager message (any

major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.”).

25. The system of claim 22, wherein the notification is sent via an SNMP trap (it is inherent to sent via an simple network management protocol trap because if your software can generate SNMP traps, it can integrate with other network management software that also uses SNMP).

26. The system of claim 22, wherein the notification is sent via an internet browser alert (“Adevice 3”).

27. The system of claim 1, wherein the networked environment is an electronic commerce system (abstract).

28. A system for monitoring business performance indicators in a networked environment, comprising: a data source having a predefined format; an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data; a reaper communicatively coupled to the agent and configured to retrieve the modified data from the agent; a repository manager communicatively coupled to the reaper; a data repository communicatively coupled to the repository manger; an alert detector communicatively coupled to the repository manager; and a dashboard controller communicatively coupled to the repository manager (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; “Advice 3”; col.39, lines 33-65).

29. The system of claim 28, wherein the repository manager includes a cache, and wherein the repository manger is configured to manage the storage of the modified data



within the data repository (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

30. The system of claim 28, further comprising an alert detector communicatively coupled to the repository manager and configured to compare the modified data with a first configuration parameter (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

31. The system of claim 28, wherein the repository manager is in two way communication with the reaper.

32. The system of claim 28, wherein the data repository is in two way communication with the repository manager (fig.13).

33. The system of claim 28, wherein the alert detector is in two way communication with the repository manager (fig.10).

34. The system of claim 28, wherein the dashboard controller is in two way communication with the repository manager (figs. 10 & 13).

35. A system for monitoring a plurality of business metrics in a networked environment, comprising: a plurality of data sources, wherein each of the plurality of data sources has a predefined format; a plurality of agents, wherein each of the plurality of agents is communicatively coupled to one of the plurality of data sources, wherein each of the plurality of agents is configured according to the predefined format of the corresponding data source, and wherein each of the plurality of agents is operative to gather data from the corresponding data source and translate the data into a first modified format thereby creating modified data; and a reaper communicatively coupled to each of the plurality of agents and configured to retrieve the modified data from each of the plurality of agents (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-

53; "Advice 3"; col.39, lines 33-65).

36. The system of claim 35, further comprising a dashboard controller communicatively coupled to the reaper and configured to display the modified data in a format defined by a configuration parameter (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20).

37. A method for monitoring a business metric in a networked environment, comprising: coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; gathering the data from the data source via the agent; translating the data into a first modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range. (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

38. The method of claim 37, wherein the data source is a third party application accessible through a URL address (Internet).

39. The method of claim 37, further comprising interfacing with a display device, wherein displaying the modified data in a format defined by a second configuration parameter is implemented on the display device. (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

40. The method of claim 39, wherein the display device is a cell phone ("any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.").

41. The method of claim 39, wherein the display device is a pager ("any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.").

42. The method of claim 39, wherein the display device is a personal computer monitor ("any major interface access, such as Internet, voice calls, call centers, automated teller machines (ATM), e-mail, and associated distribution technologies such as cable, wireless, pagers, and the like.").

43. A computer-readable medium having computer-executable instructions for performing a method of: coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; gathering the data from the data source via the agent; translating the data into a first modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range.

44. A method for monitoring a business metric in a networked environment, comprising: means for coupling to a data source having a known format, wherein the data source includes data that represents the business metric; means for configuring an agent according to the data source format; means for gathering the data from the data source

via the agent; means for translating the data into a first modified format; means for storing the modified data in a data repository; means for comparing the modified data with an alert parameter range; means for displaying the modified data in a format defined by a second configuration parameter; means for determining whether the modified data falls within the alert parameter range; and means for producing an alert if the modified data falls within the alert parameter range (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

45. A system for monitoring a business metric in a networked environment, comprising: a processor; a data storage device; and an instruction set residing on the data storage device, wherein the instruction set is configured to perform a method, the method comprising coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; gathering the data from the data source via the agent; translating the data into a first modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

46. A system for monitoring business performance indicators in a networked

environment, comprising: a data source having a predefined format; a collector communicatively coupled to the data source, wherein the collector is configured according to the data source format and wherein the collector is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data; a controller communicatively coupled to the collector and configured to retrieve the modified data from the collector; a storage device communicatively coupled to the controller and configured to store the modified data; an alert detector communicatively coupled to the storage device and configured to compare the modified data with a first configuration parameter; and a display interface communicatively coupled to the storage device and configured to display the modified data in a visual dashboard format defined by a second configuration parameter (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

47. A system for monitoring business performance indicators in a networked environment, comprising: a collector adapted to communicatively coupled to a data source having a predetermined format, wherein the collector is configured according to the data source format and wherein the collector is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data; a data manager communicatively coupled to the collector and configured to manage the input and output of the modified data between the collector and a data storage device, wherein the data manager is adapted to communicatively couple with an alert device; and a display interface communicatively coupled to the data manager

and configured to display the modified data in a format defined by a second configuration parameter (col.3, line 57-col.4, line 4; col.4, lines 42-58; col.4, line 42-col.5, line 20; col.5, lines 1-53; "Advice 3"; col.39, lines 33-65).

### ***Response to Arguments***

3. Applicant's arguments filed 3/8/2005 have been fully considered but they are not persuasive.

Applicant argues that Horowitz reference does not show "a data source having a predefined format".

In contrary, Horowitz discloses the following paragraph:

"It is another feature and advantage of the present invention to provide an automated customization and personalization system and method for presentation of product and service messages which easily disseminates information regarding new products and/or services to the most interested customers and those who would likely subscribe to such products and/or services." (col.3, lines 58-65)

"The advice engine for an embodiment of the present invention, for example, analyzes information relating to the customer to identify one or more customer characteristics indicative of a type of advice preferable to the customer and automatically generates one or more items of advice of the type indicated to be preferable to the customer. The presentation engine, for example, analyzes information relating to the customer to

identify one or more customer characteristics indicative of a preference of the customer for a manner in which to present advice to the customer and automatically presents the advice generated by the advice engine in the manner indicated to be preferable to the customer.” (col.4, lines 17-33)

Horowitz discloses a data source having a predefined format including information regarding new products and/or services to the most interested customers, information relating to the customer to identify one or more customer characteristics indicative of a type of advice preferable to the customer and automatically generates one or more items of advice of the type indicated to be preferable to the customer, and information relating to the customer to identify one or more customer characteristics.

Applicant further argues that “applicant clearly claims an agent taking as input data from the data source and translating such data into modified data”.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an agent taking as input data from the data source and translating such data into modified data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's claimed limitation only calls for an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format

and wherein the agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data. This limitation is clearly discussed in Horowitz reference token data. ("In an embodiment of the present invention, the presentation engine receives the customer's input, including the customer's ID, and automatically parses, characterizes and sends the input to the advice engine, which verifies the customer. The advice engine automatically retrieves and reads, for example, token data for the customer, as well as the financial institution's data. The advice engine automatically generates one or both of responsive type advice or proactive type advice for the customer. In connection with responsive type advice for the customer, the advice engine for an embodiment of the present invention retrieves and reads, for example, one or more categories of financial institution data, such as presentation data, marketing and business rules data, and customer profile data. In connection with proactive type advice for the customer, the advice engine retrieves and reads, for example, one or more categories of financial institution data, such as customer pertinent news data, customer asset investment data, customer interaction frequency data, customer purchasing history data, customer risk factor appraisal data, and customer risk assessment data. Also in connection with proactive advice for the customer, the advice engine automatically filters one or more categories of data for the customer, such as news of the day, special events tied to the current date, and sales information of interest to the customer.")



***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/4/2005

JEFFREY PWU  
PRIMARY EXAMINER